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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,289	04/20/2001	David B. Fick	370143-66	3676

25204            7590            10/21/2002

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[REDACTED] EXAMINER

PATEL, SUDHAKER B

[REDACTED] ART UNIT      [REDACTED] PAPER NUMBER

1624

DATE MAILED: 10/21/2002

*g*

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. <b>09/839,289</b>	Applicant(s) <b>David B. Flick et al</b>	
Examiner <b>Sudhaker Patel</b>	Art Unit <b>1624</b>	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Sep 18, 2002

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 1035 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

4)  Claim(s) 1-35 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 34 and 35 is/are allowed.

6)  Claim(s) 1-33 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1)  Notice of References Cited (PTO-892)

4)  Interview Summary (PTO-413) Paper No(s). 9

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

6)  Other: \_\_\_\_\_

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### **DETAILED ACTION**

The claims in this application are the claims 1-35.

Applicants' communication paper #7 dated 9/18/02 is acknowledged. Applicants have confirmed the election of the invention and the species, but have not dealt with the Office Action paper #5 dated 3/13/02.

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Therefore, examiner contacted the applicants(see interview summary), Mr. Louis C. Cullman on 10/17/02, and it appears that applicants' file is not updated due to both: a). change in address from Los Angels(old address) to present address at Newport Beach and b). also change of attorney of record.

Therefore, a copy of the Office Action paper #5 dated 3/13/02 is being sent with this communication to update applicants' records.

Applicants' attention is drawn to the fact that the first Office Action paper # 5 as mentioned above was the action on merits, wherein the election/restriction was accomplished by telephone contact with earlier attorney of record, Mr. M. B. Farber on 3/4/02. This has been already stated in the above mentioned earlier Office Action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sudhaker Patel, D.Sc. Tech., whose telephone number is (703) 308 4709. The examiner can normally be reached on Monday thru' Friday from 8:30 AM to 5:00 PM.

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If attempts to reach the examiner by the phone are unsuccessful, the examiner's supervisor ,Dr. Mukund Shah can be reached at (703) 308 4716 or Sr. Examiner Mr. Raymond Richard at (703) 305 4523.

A facsimile center has been established for Group 1600. The hours of operation Monday through Friday, 8:45 AM to 4:45 PM. The telecopier numbers for accessing the facsimile machine are (703) 308-4556 or (703) 305-3592.

Any inquiry of general nature or relating to the status of this application or proceeding  
should be directed to the Group receptionist whose telephone number is (703) 308 1235.

*Mukund J. Shah*

**Mukund Shah**

**Supervisory Patent Examiner**

sp *[Signature]*

**October 18, 2002.**

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